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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women

Note by the Secretariat*

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* The document was submitted late in order to provide the Committee with the most current information.

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I. Introduction

1. The present report contains information that is relevant to the work of the Committee on the Elimination of Discrimination against Women. Section II provides information on developments in the United Nations human rights regime, including information concerning the work of other treaty bodies, the Commission on the Status of Women, the Commission on Human Rights, and the Secretary-General's reform proposals for treaty bodies. Section III presents information on the reports to be considered by the Committee at future sessions and a summary of trends in reporting. Section IV covers the situation with regard to overdue reports. Section V summarizes steps taken by the Special Adviser on Gender Issues and Advancement of Women and the Director of the Division for the Advancement of Women of the Department of Economic and Social Affairs in support of implementation of the Convention, and its Optional Protocol. Other issues of relevance to the Committee's work are summarized in section VI. Information on the Committee's informal meeting, held in Utrecht, the Netherlands, from 5 to 7 May 2004, is reflected in section VII. The report also contains two annexes.

II. Developments in the human rights regime

A. Human rights treaty bodies

2. The Human Rights Committee, at its eightieth session, held from 16 March to 3 April 2004, adopted general comment No. 31 on article 2 of the International Covenant on Civil and Political Rights, entitled "The Nature of the General Legal Obligation Imposed on States Parties to the Covenant". This general comment replaces general comment No. 3, reflecting and developing its principles. The general non-discrimination provisions of article 2, paragraph 1, have been addressed in general comment Nos. 18 and 28, so that general comment No. 31 should be read together with them.

3. The Committee against Torture held its thirty-first session from 10 to 21 November 2003. During this session, the Committee introduced the practice of preparing lists of issues. The Committee prepares lists of issues for periodic reports as well as for States parties that have not submitted a report.[1] However, it does not require that the State party respond to the questions in writing prior to the date at which the report is examined. The Committee has continued with its follow-up procedure introduced in 2003 and has requested States parties to submit information on measures taken to follow up on certain parts of its conclusions and recommendations within 12 months. At its thirty-second session, held from 3 to 21 May 2004, as an exceptional measure, the Committee also decided to request consolidated periodic reports in certain cases with a view to addressing the problem of overdue reports. With respect to the participation of non-governmental organizations, the Committee has taken the decision to formalize its meetings with members of non-governmental organizations, beginning with its thirty-third session in November 2004. The Committee will dedicate meeting time in plenary for this purpose with a view to ensuring that all Committee members will be able to participate as interpretation services will be provided.

4. The Committee on the Rights of the Child held its thirty-fifth session from 12 to 30 January 2004. During the session, on 23 January 2004, the Committee held an informal meeting with States parties to the Convention on the Rights of the Child to discuss the Committee's proposal to divide its work into two chambers, as a way to reduce its backlog of reports. The Committee's annual day of general discussion is scheduled to be held on 17 September 2004 and will focus on implementing child rights in early childhood. Further to the recommendation made on 12 October 2001 by the Committee on the Rights of the Child[2] that the Secretary-General be requested, through the General Assembly,[3] to conduct an in-depth international study on violence against children, the process of preparation of the study has begun. Members of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women participated in an expert group meeting to develop a questionnaire on the issue of violence against children, which was sent to United Nations Member States on 22 March 2004.

5. At its thirty-first session, held from 10 to 28 November 2003, the Committee on Economic, Social and Cultural Rights held discussions on the right to work with the aim of elaborating a general comment on article 6 of the International Covenant on Economic, Social and Cultural Rights. At its thirty-second session, held from 26 April to 14 May 2004, the Committee began its consideration of the draft general comment on article 6 and continued to work on its general comment on article 3 of the Covenant. The Committee expects to adopt both general comments at its next session, to be held from 8 to 26 November 2004. The Committee also decided to begin, at its next session, consideration of a draft general comment on article 15 (c) of the Covenant regarding the right of any person to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. Furthermore, the Committee decided to schedule its next meeting with States parties at its thirty-fourth session, which will be held from 25 April to 13 May 2005. The second meeting of the Joint Expert Working Group of UNESCO and the Committee was held in May 2004 on the monitoring of the right to education at the national level.

6. At its sixty-fourth session, held from 23 February to 12 March 2004, the Committee on the Elimination of Racial Discrimination held a thematic discussion on non-citizens and racial discrimination. A new general recommendation on this issue is currently under discussion (for adoption at the sixty-fifth session to be held in August 2004). The Committee also agreed on its follow-up procedure, and to that end, added a new paragraph to article 65 of the rules of procedure allowing the Committee to appoint a coordinator for a period of two years who would work in cooperation with country rapporteurs.

B. Commission on the Status of Women

7. The forty-eighth session of the Commission on the Status of Women was held from 1 to 12 March 2004. The Commission adopted agreed conclusions on the role of men and boys in achieving gender equality and on women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building. The latter made explicit reference to the Convention. Among the seven resolutions adopted by the Commission, one focused on the situation of women and girls in Afghanistan. It urged the Afghan Transitional Administration and future Government to implement fully its obligations under the Convention on the

Elimination of All Forms of Discrimination against Women, prepare the initial report due in March 2004, raise awareness and strengthen the knowledge of women and girls and their families about their rights, including the full enjoyment of all human rights by women and girls. The Commission decided to postpone consideration of the future work of the Working Group on Communications on the Status of Women until its fiftieth session in 2006.[4]

C. Commission on Human Rights

8. The sixtieth session of the Commission on Human Rights was held from 15 March to 23 April 2004. A number of resolutions made reference to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol, and to human rights treaty bodies, in general, and the Committee, in particular. A summary of selected resolutions and decisions is provided below.

(a) Resolution 2004/78 on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, contains comprehensive recommendations with regard to improving the effectiveness of the treaty body system and the fulfilment of States parties' reporting obligations under international instruments on human rights. The resolution encourages the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities and reaffirms that it is the responsibility of all treaty bodies to integrate a gender perspective throughout their work. Resolution 2004/69, on the status of the International Covenants on Human Rights, stresses the importance of taking fully into account a gender perspective in, inter alia, the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and in all other treaty bodies.

(b) In regard to the elimination of violence against women (resolution 2004/46), the Commission reiterated the obligations of Governments under the Convention, taking into account the Committee's general recommendation No. 19. It also reaffirmed the commitment to accelerate the achievement of universal ratification of the Convention, and ratification of the Optional Protocol. It encouraged the human rights treaty bodies to continue to give consideration to the elimination of violence against women within their respective mandates. The resolution also requested the Secretary-General to continue to provide the Special Rapporteur with adequate assistance for periodic consultations with the Committee, and to ensure that her reports are brought to the Committee's attention.

(c) In regard to trafficking in women and girls, the Commission adopted resolution 2004/45, in which human rights treaty bodies are invited to continue to address, within their mandates, the problem of trafficking in persons, especially women and children, and to share their knowledge and best practices as widely as possible. It also encouraged Governments to outline, in their periodic reports to the relevant human rights treaty bodies, measures taken to combat trafficking. The Commission created a new special procedure (decision 2004/110) by deciding to appoint, for a period of three years, a special rapporteur, to focus on the human rights aspects of the victims of trafficking in persons, especially women and children. The special rapporteur is requested also to cooperate with relevant United Nations bodies.

(d) The Commission approved a decision of the Subcommission on the Promotion and Protection of Human Rights (decision 2004/123 on the universal implementation of international human rights treaties) to appoint a special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties. It also approved a decision by the Subcommission to renew the mandate of the special rapporteur on harmful traditional practices affecting the health of women and the girl child for a further three years (decision 2004/111).

(e) Several thematic resolutions made reference to the Convention on the Elimination of All Forms of Discrimination against Women, the role of the Committee in promoting relevant rights and cooperation between special procedures and treaty bodies, especially the Committee (see, for example, resolutions 2004/21 on adequate housing as a component of the right to an adequate standard of living, 2004/23 on human rights and extreme poverty, 2004/25 on the right to education, 2004/27 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2004/29 on the question of the realization in all countries of the economic, social and cultural rights, that also requested the chairperson-rapporteur of the working group on an optional protocol to the International Covenant to identify experts who could be invited to future sessions of the working group, including, in particular, a representative of the Committee, 2004/43 on human rights in the administration of justice, 2004/52 on the human rights of persons with disabilities, which also invited human rights treaty monitoring bodies to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities, and 2004/53 on the human rights of migrants).

(f) Several resolutions referred generally to the role of treaty bodies and their work in relation to the subject of the respective resolution, and interaction with relevant special procedures (see, for example, resolutions 2004/15 on cooperation with representatives of United Nations human rights bodies, 2004/19 on the right to food, 2004/24 on globalization and its impact on the full enjoyment of all human rights, 2004/31 on strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy, 2004/38 on the incompatibility between democracy and racism, 2004/39 on arbitrary detention, 2004/42 on the right to freedom of opinion and expression, 2004/56 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and its Committee, 2004/51 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, 2004/55 on internally displaced persons, 2004/60 on the work of the Subcommission on the Promotion and Protection of Human Rights, 2004/62 on human rights and indigenous issues, 2004/64 on the promotion of a democratic and equitable international order, 2004/76 on human rights and special procedures, 2004/87 on protection of human rights and fundamental freedoms while countering terrorism, and 2004/81 on advisory services and technical cooperation in the field of human rights).

(g) The Commission included its concern about violations of women's human rights in several country-specific resolutions (see resolutions 2004/10 on the question of the violation of human rights in the occupied Arab territories, including Palestine, 2004/13 on the situation of human rights in the Democratic People's

Republic of Korea, 2004/61 on the situation of human rights in Myanmar, 2004/79 on technical cooperation and advisory services in Cambodia, 2004/80 on assistance to Somalia in the field of human rights, 2004/82 on advisory services and technical assistance in Burundi, 2004/83 on technical cooperation and advisory services in Liberia, 2004/84 on technical cooperation and advisory services in the Democratic Republic of the Congo, 2004/85 on technical cooperation and advisory services in Chad, and 2004/86 on assistance to Sierra Leone in the field of human rights). In addition, the Commission included references to the Convention in resolutions 2004/13 on the situation of human rights in the Democratic People's Republic of Korea, 2004/14 on the situation of human rights in Belarus, and 2004/61 on the situation of human rights in Myanmar.

D. Reform proposals for treaty bodies

9. The report of the Secretariat on ways and means of expediting the work of the Committee at its twenty-ninth session,[5] referred to the Secretary-General's report entitled "Strengthening of the United Nations: an agenda for further change",[6] providing a summary of subsequent activities towards achieving new streamlined reporting procedures. In particular, the second Inter-Committee Meeting and fifteenth Meeting of Chairpersons, June 2003, adopted recommendations[7] favouring expansion of the core document to include information on substantive rights congruent to all or several treaties as well as other information of general relevance to all committees. The meetings requested the Secretariat to prepare draft harmonized guidelines on reporting and on an expanded core document to be submitted to the third Inter-Committee Meeting scheduled for 21 to 22 June 2004.

10. Representatives of the Office of the High Commissioner for Human Rights briefed the Committee at its thirtieth session in January 2004 and at its informal meeting held in Utrecht, the Netherlands, in May 2004 on progress in this regard. The Office and the Division are working jointly on the preparation of the requested drafts. The Committee will be briefed by its Chairperson about the results of the Inter-Committee Meeting, as well as those of the sixteenth Meeting of Chairpersons at its thirty-first session.

III. Reports to be considered by the Committee at its future sessions

11. At its thirtieth session, the Committee drew up the list of States parties whose reports would be considered at future sessions. All States parties selected for presentation of reports at the thirty-first session will be able to do so. The Committee proposed the following list of reports for consideration at its thirty-second session: the combined initial, second, third, fourth and fifth periodic reports of the Lao People's Democratic Republic;[8] the combined initial, second and third reports of Samoa;[9] the second periodic report of Algeria;[10] the combined second and third periodic reports of Croatia;[11] the combined second, third, fourth and fifth periodic reports of Gabon;[12] the combined fourth and fifth periodic reports of Italy;[13] the combined third and fourth periodic reports and the fifth periodic report of Paraguay;[14] and the combined fourth and fifth periodic reports of Turkey.[15] All but

one State party have confirmed in writing that they will be able to present their reports at the thirty-second session.

12. In selecting the list of reports to be considered at the thirty-third and future sessions, the Committee's attention is drawn to the report of the Secretary-General[16] on the status of the submission of reports, which contains a list of States parties whose reports have been submitted but not yet been considered by the Committee. Excluding those it will consider at its thirty-first session, 37 States parties have submitted reports that have not yet been considered.

13. A table reflecting trends in the submission of reports since the Convention's entry into force is attached (see annex II).

IV. Overdue reports

14. At its twenty-ninth session, the Committee held a closed meeting with States parties whose initial reports under the Convention were overdue for more than five years, and adopted further modalities for the implementation of its incremental strategy to encourage States parties to report in accordance with article 18 of the Convention.[17] In September 2003, the Chairperson of the Committee wrote to 29 States parties whose initial reports under the Convention had been overdue for more than five years informing them of the measures taken by the Committee to encourage reporting and drew attention to the availability of technical assistance on reporting from the United Nations. The Committee, at its informal meeting held in Utrecht (see annex I), discussed the possibility of considering implementation of the Convention by a State party in the absence of a report. It agreed to consider this matter further at its thirty-first session in the light of information to be provided by the Secretariat on the results of the Committee's incremental strategy.

15. The Committee's attention is drawn to the fact that five of the 29 States parties that received a letter from the Chairperson in 2003 have since submitted their combined initial and periodic reports: Cambodia,[18] Eritrea,[19] Lebanon,[20] Malaysia[21] and Togo.[22] An additional eight States parties have participated in training workshops organized by the Division for the Advancement of Women on implementation of and reporting under the Convention,[23] and one State party participated in a training workshop organized by the Economic and Social Commission for Asia and the Pacific (ESCAP) in collaboration with the Division.[24]

16. The Committee's attention is also drawn to annex II of document CEDAW/C/2004/2, which indicates that, as at 30 May 2004, the following States parties are more than five years overdue in submitting their initial reports: the Bahamas, Bosnia and Herzegovina, Botswana, Cape Verde, the Central African Republic, Chad, Comoros, Côte d'Ivoire, Dominica, Grenada, Guinea-Bissau, Haiti, Lesotho, Liberia, Mozambique, Pakistan, Papua New Guinea, Saint Lucia, Seychelles, Sierra Leone, Tajikistan, Turkmenistan and Vanuatu. The following States parties are more than 10 years overdue in submitting their initial reports: Cape Verde, the Central African Republic, Dominica, Grenada, Guinea-Bissau, Haiti, Liberia, Saint Lucia, Seychelles and Sierra Leone. The following States parties are more than 10 years overdue in submitting their periodic reports: Madagascar, Malawi, Mauritius and Senegal.

V. Secretariat activities in support of the implementation of the Convention

17. The Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and the Director of the Division for the Advancement of Women have continued their efforts to encourage universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women, acceptance of the Optional Protocol and of the amendment to article 20, paragraph 1, of the Convention, and adherence to reporting obligations. These aspects are regularly raised by the Special Adviser, the Director and the staff of the Division in meetings with, and briefings for, representatives of Member States, entities of the United Nations system, civil society organizations, in training workshops and other outreach activities. Efforts continued to further publicize the Convention, its Optional Protocol, and the work of the Committee. Cooperation and collaboration in support of the work of human rights treaty bodies has remained an important element in the joint work plan of the Division and the Office of the High Commissioner for Human Rights.[25] Specific activities are summarized below.

18. In December 2003, the Division provided information on the work of the Committee in the area of trafficking in women and girls to the United Nations Centre for International Crime Prevention pertinent to the implementation of relevant resolutions of the General Assembly, including the resolution entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto."[26]

19. In March 2004, the Special Adviser and the Director of the Division referred to the ratification of the Convention and its Optional Protocol in their statements to the forty-eight session of the Commission on the Status of Women. During that session, the Division, in collaboration with the Inter-Parliamentary Union, organized a panel, on 1 March 2004, on the role of parliamentarians in strengthening the implementation of the Convention and its Optional Protocol, with the participation of the Committee's Chairperson. On 2 March 2004, the Division co-sponsored and participated in a panel with the International Service for Human Rights on the Optional Protocol to the Convention.

20. In May 2004, the Director of the Division addressed the third session of the Permanent Forum on Indigenous Issues, the main theme of which was on indigenous women. The Director discussed the Committee's efforts to address the situation of indigenous women in its concluding comments. The Division also updated a conference room paper[27] on the work of the Commission on the Status of Women and the Committee regarding the situation of indigenous women, which had been prepared for the second session of the Permanent Forum. During the session, staff of the Division briefed non-governmental organizations on the communications procedure under the Optional Protocol as a mechanism to protect the human rights of indigenous women.

21. In May 2004, the Director of the Division made a presentation on the work of the Committee at the launch of a publication on the Convention organized by the Working Group for the Ratification of the Convention and the United Nations Association of the National Capital Area, held in Washington, D.C.

22. The Division collaborated with ESCAP in organizing a training workshop on implementation of and reporting under the Convention, held in Almaty, Kazakhstan, from 12 to 14 May 2004. The workshop was attended by government officials from six central Asian countries: Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, and the Committee's Chairperson served as resource person. The Division organized a training workshop, from 19 to 21 May, on implementation of and reporting under the Convention for States parties in the Caribbean region, with one member of the Committee serving as resource person. The workshop was preceded by a judicial colloquium on the domestic application of the Convention, from 17 to 19 May 2004. Both events were held in Nassau, in cooperation with the Government of the Bahamas. The workshop and judicial colloquium were attended, respectively, by government officials, judges and magistrates from the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago. Participants from several States parties indicated that preparation of their reports was under way and it is hoped that a significant number of reports will be submitted within the next 6 to 12 months. Experience from past training workshops demonstrates that a number of participating States parties subsequently submitted their reports. For instance, following the training workshop organized by the Division and ESCAP in Bangkok from 6 to 8 November 2002, five States parties submitted their reports: Bhutan,[28] Cambodia,[29] the Lao People's Democratic Republic,[30] Malaysia[31] and Thailand.[32] All training workshops also included a segment on the Optional Protocol.

23. The Division prepared a paper on the Convention on the Elimination of All Forms of Discrimination against Women and the Millennium Development Goals for the Millennium Project, a three-year initiative launched in 2002, aimed at recommending the best strategies for achieving the Goals. The paper highlighted the role played by the Convention to support gender-sensitive implementation of the Goals. The Division's Director is a member of the task force on goal 3 of the Millennium Development Goals.

VI. Other issues

A. General recommendation on article 2 of the Convention

24. At its thirtieth session, the Committee agreed that its next general recommendation would be on article 2 of the Convention and that work thereon would commence at the Committee's thirty-first session in July 2004. At its informal meeting in Utrecht, the Committee held an initial discussion on the content and approach of the general recommendation. The Committee will hold a general discussion and exchange of views on 21 July 2004, and specialized agencies and other United Nations bodies, as well as non-governmental organizations, have been invited to participate and to prepare informal background papers. In order to make the Committee's decision widely known and to encourage contributions from non-governmental organizations and other interested stakeholders, an announcement was posted on the web site of the Division shortly after the conclusion of the thirtieth session.

B. Twenty-fifth anniversary of the adoption of the Convention

25. Following the Committee recommendation that a commemorative event be organized during the fifty-ninth session of the General Assembly in 2004 to mark the twenty-fifth anniversary of the adoption of the Convention, this matter has been brought to the attention of Member States.[33] The Division is preparing a round table as a side event during the consideration of the item on the advancement of women by the General Assembly, with the participation of a range of stakeholders.

C. In-depth study on all forms of violence against women

26. On 22 December 2003, the General Assembly adopted a resolution on an in-depth study on all forms of violence against women.[34] It requested the Secretary-General to conduct an in-depth study on all forms and manifestations of violence against women, as identified in the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, and the outcome document of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace in the twenty-first century", and relevant documents, disaggregated by type of violence, and based on research undertaken and data collected at the national, regional and international levels. The study is to be conducted in close cooperation with all relevant bodies of the United Nations, as well as with the Special Rapporteur of the Commission on Human Rights on violence against women, regarding such violence, its causes and consequences. Information, including on strategies, policies, programmes and best practices, is to be sought from Member States as well as relevant non-governmental organizations. The study is expected to be submitted at the sixtieth session of the General Assembly in 2005.

27. The Division, which has the lead responsibility for preparing the study, will update the Committee regularly about progress and ensure that the work of the Committee is fully reflected in the study. Preliminary consultations and exchange of information has taken place with entities of the United Nations system, non-governmental organizations and the Special Rapporteur on violence against women. The Division is seeking resources for a limited number of expert meetings and the preparation of background papers on selected issues to feed into the study.

D. Summary records

28. At its twenty-ninth session, the Committee noted with concern the late or non-issuance of summary records of its sessions. In September 2003, the Chairperson of the Committee wrote to the Under-Secretary-General of the United Nations Department for General Assembly and Conference Management, seeking clarification concerning the reasons for the delay in issuance of summary records and requesting their timely issuance for future sessions. In his reply of December 2003, the Under-Secretary-General informed the Chairperson of action taken by the General Assembly, at its fifty-eighth session, requesting that the Secretary-General conduct a thorough cost-benefit study of summary records and review the list of bodies entitled to them, in full consultation with all relevant intergovernmental bodies, with a view to assessing the need for such records, and to explore the possibility of delivering them in a more efficient and effective manner and to report

thereon, through the Committee on Conferences to the General Assembly at its fifty-ninth session. The Committee's summary records, which are generally prepared in English, can only be translated when capacity allows. The Under-Secretary-General assured the Chairperson that the requirements of the Committee will be taken into account in the examination of the matter in accordance with the mandate of the General Assembly.

29. The Department has initiated steps for the preparation of the study. Bodies currently entitled to summary records will have an opportunity to present their views on how to proceed with regards to the issuance of summary records. It is expected that this request for comments will be before the Committee at its thirty-first session.

VII. Informal meeting of the Committee in the Netherlands

30. The Committee held an informal meeting from 5 to 7 May 2004 in Utrecht, hosted by the Netherlands Institute of Human Rights, and financially made possible by the Government of the Netherlands. The focus of the meeting was on the Committee's working methods, in particular: consideration of reports of States parties; concluding comments; option of meeting in parallel working groups for consideration of periodic reports; and expanded core document and harmonized reporting guidelines. The Committee also set aside time for brainstorming on the content and approach of the Committee's next general recommendation, on article 2 of the Convention.

31. The Committee had before it a background paper[35] prepared by the Secretariat in accordance with the Committee's request, providing information to assist the Committee in its consideration of the issues on the meeting's agenda. The agreements reached by the informal meeting, which was attended by 20 members, are attached (annex I). The Committee is expected to adopt these agreements at its thirty-first session.

Notes

[1] In November 2004, the Committee against Torture will consider implementation of the Convention in a State party without a report.

[2] See letter dated 12 October 2001 from the Chairperson of the Committee on the Rights of the Child to the Secretary-General (A/56/488, annex).

[3] See General Assembly resolution 57/190, sect. II, para. 29.

[4] For information about this issue, see E/CN.6/2004/11 and Add.1.

[5] See CEDAW/C/2003/II/4.

[6] See A/57/387.

[7] See A/58/350.

[8] CEDAW/C/LAO/1-5.

[9] CEDAW/C/WSM/1-3.

[10] CEDAW/C/DZA/2.

[11] CEDAW/C/CRO/2-3.

[12] CEDAW/C/GAB/2-5.

[13] CEDAW/C/ITA/4-5.

[14] CEDAW/C/PAR/3-4 and CEDAW/C/PAR/5.

[15] CEDAW/C/TUR/4-5.

[16] See CEDAW/C/2004/II/2

[17] See decision 29/I adopted by the Committee at its twenty-ninth session, held from 30 June to 18 July 2003.

[18] Combined initial, second and third periodic reports of Cambodia (CEDAW/C/KHM/1-3).

[19] Combined initial and second periodic reports of Eritrea (CEDAW/C/ERI/1-2).

[20] Combined initial and second periodic reports of Lebanon (CEDAW/C/LBN/1-2).

[21] Combined initial and second periodic reports of Malaysia (CEDAW/C/MYS/1-2).

[22] Combined initial, second, third, fourth and fifth periodic reports of Togo (CEDAW/C/TGO/1-5).

[23] Botswana, Lesotho and Sierra Leone participated in the training workshop on reporting held in Arusha, the United Republic of Tanzania, from 11 to 13 September 2003, and the Bahamas, Dominica, Grenada, Haiti and Saint Lucia participated in the training workshop on reporting held in Nassau from 19 to 21 May 2004.

[24] Tajikistan participated in the workshop held in Almaty, Kazakhstan, from 12 to 14 May 2004.

[25] See E/CN.6/2004/7-E/CN.4/2004/65.

[26] See General Assembly resolution 58/135.

[27] See E/C.19/2003/CRP.1.

[28] Combined initial, second, third, fourth, fifth and sixth periodic reports of Bhutan (CEDAW/C/BTN/1-6; and CEDAW/C/BTN/1-6/Corr.1).

[29] Combined initial, second and third periodic reports of Cambodia (CEDAW/C/KHM/1-3).

[30] Combined initial, second, third, fourth and fifth periodic reports of the Lao People's Democratic Republic (CEDAW/C/LAO/1-5).

[31] Combined initial and second periodic reports of Malaysia (CEDAW/C/MYS/1-2).

[32] Combined fourth and fifth reports of Thailand, awaiting electronic version.

[33] See E/CN.6/2004/CRP.3.

[34] General Assembly resolution 58/185.

[35] See CEDAW/C/2004/II/4/Add.1.

Annex I

Agreements reached at the informal meeting of the Committee, 5 to 7 May 2004, Utrecht

1. The Committee, at its informal meeting, held from 5 to 7 May 2004 in Utrecht, reached agreement on a number of issues concerning its working methods, for formal action and adoption at its thirty-first session (6 to 23 July 2004). Section A reflects agreements where further details need to be discussed and elaborated before action is taken at the thirty-first session. Section B reflects agreements that are ready for adoption by the Committee at the thirty-first session.

Section A

Consideration of reports

2. The Committee, at its informal meeting, considered ways for a more effective and efficient manner to discharge all its responsibilities under the Convention and the Optional Protocol. It agreed to meet for an additional week at its thirty-third, thirty-fourth and thirty-fifth sessions to consider States parties' reports (July 2005, January and July 2006). It also agreed that beginning in 2007, the Committee shall meet for three annual sessions of three weeks each, with a one-week pre-sessional working group for each session. The Committee agreed that it will request the General Assembly at its fifty-ninth session to allocate the necessary financial resources to enable the Committee to work in accordance with these agreements.[4]

3. The meeting agreed that its decision to be adopted at its thirty-first session in July 2004 will also contain the rationale for this decision and will reflect the Committee's efforts to further enhance the efficiency and effectiveness of its working methods; the increasing number of ratifications of the Convention and the Optional Protocol; the Committee's efforts to encourage States parties to submit their reports in a timely manner and the apparent success of this strategy; the current backlog of reports awaiting consideration which also constitutes a disincentive for States to report in a timely manner; the need to find a long-term solution that will allow the Committee to implement all its responsibilities in a timely manner; the desirability of placing the Committee on an equal footing with other human rights treaty bodies in regard to its meeting time.

Consideration of reports in the absence of a report

4. The meeting decided to give consideration, at its thirty-first session, to identifying States that could be alerted to a possible future consideration under this procedure.

Strategy to encourage States parties to fulfil their reporting obligations

5. The meeting, drawing attention to its incremental strategy for encouraging States parties to fulfil their reporting obligations that are more than 10 years overdue, decided to consider this matter further in the light of information that will be submitted by the Secretariat at its thirty-first session, assessing the results of measures taken by the Committee at its twenty-seventh and twenty-ninth sessions.

Section B

6. The Committee, at its informal meeting, agreed on the following steps and measures, for adoption at its thirty-first session.

Consideration of reports by the Committee and constructive dialogue with States parties

7. As of January 2005, two meetings will be allocated for the consideration of initial reports, and two meetings will continue to be allocated for consideration of periodic reports. Each State party's introduction will be limited to 30 minutes.

8. At the beginning of the constructive dialogue, the Chairperson will state the number of experts that will be posing questions under each article or cluster so that experts may consider their own interventions in regard to other experts' questions under each article in each cluster. Each expert will limit her/his interventions to not more than two per State party, and each intervention will be limited to three minutes. A speech timer will continue to be used to monitor adherence to the time limit.

9. A country task force will be established, on an experimental basis, for one of the States that will be reporting at the thirty-first session. Members of the country task force will take the lead during the constructive dialogue with the State party. The details concerning the modalities of the country task force will be determined at that session.

10. After the introduction by the State party, the Chairperson will orient the State party's delegation to the need for careful time management, and precise, short and direct responses to questions asked. The Chairperson will also invite the State party to clearly indicate when a response to a question cannot be provided as lack of, or inadequate replies to questions raised may result in follow-up questions to be put to the State party at the end of the dialogue, and eventually, may be reflected in the concluding comments. The Chairperson will also indicate to the delegation that when necessary, the delegation will be asked to limit its responses for time considerations.

11. Initial reports will be considered on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which will be considered as clusters. A group of questions posed by experts will be followed by the State party's responses, followed by another group of questions and responses until all articles have been covered. The separate round for general observations will be discontinued, but experts will have the possibility to include any general observations with their questions on articles 1 and 2.

12. Periodic reports will be considered in accordance with the four substantive parts of the Convention (i.e. part I, articles 1 to 6; part II, articles 7 to 9; part III, articles 10 to 14; and part IV, articles 15 to 16), and experts' questions will be clustered accordingly. When signing up for questions under a cluster, experts will indicate in parenthesis, to the extent possible, under which article they will pose a question so as to allow the Chairperson to group questions, as appropriate.

Pre-session working group

13. The pre-session working group will prepare lists of issues and questions for initial reports (starting with the pre-session working group for the thirty-second session), as well as periodic reports. Each list will contain not more than a total of 30 clear and direct questions. In preparing the lists of issues and questions for periodic reports, the pre-session working group will pay particular attention to the State party's follow-up to previous concluding comments and also take into consideration its previous report. The practice of clustering questions under priority topics rather than addressing specific articles will continue. The pre-session working group will advise the Committee of the rationale for the choice of prioritization of issues raised, either in the report of the Chairperson of the pre-session working group to the Committee or, when appropriate, in the country rapporteur's briefing to the Committee.

14. Geographical balance in the composition of the pre-session working group will continue to be maintained to the extent possible.

15. The Committee will keep the work of the pre-session working group under review. In particular, modalities will be explored for including all country rapporteurs in the pre-session working group while possibly shortening the duration of the meeting of the pre-session working group.

Country rapporteur

16. The Committee will continue to designate from among its members a country rapporteur for the report(s) of each State party, and the role of the rapporteur will be further strengthened. The country rapporteur will provide a short briefing of 10 to 15 minutes to the Committee in closed meeting on the day, or one of the days, preceding the consideration of the report(s). The briefing will highlight the main challenges and issues for consideration rather than provide a summary of the report, and the country rapporteur will refer to the rationale for the priorities contained in the list of issues and questions. The country rapporteur will also take the lead role in guiding the Committee in the identification of priorities for inclusion in the concluding comments in regard to periodic reports.

17. As far as possible, country rapporteurs will be included in the pre-session working group tasked with preparation of the lists of issues and questions with regard to the States parties selected for consideration. The Secretariat will provide the same information concerning the report(s) of the States selected for consideration simultaneously to the country rapporteur and the members of the pre-session working group in cases where the country rapporteur is not a member of the pre-session working group. In such cases the country rapporteur will collaborate with the members of the pre-session working group in drawing up the list of issues and questions in an effective and timely manner. In particular, the country rapporteur will make contact with the member of the pre-session working group responsible for finalizing the list of issues and questions concerning the country rapporteur's assigned report.

Focused concluding comments

18. The Committee agreed on the desirability to prioritize a limited number of focused critical concerns of an emerging or persistent nature in each of its

concluding comments on periodic reports. To that end, the Committee decided that, starting in January 2005, the section on principal areas of concern and recommendations of each of its concluding comments on periodic reports will begin with a paragraph to assess the general framework for implementation of the Convention in the State party. That paragraph will also refer to, or reiterate, issues of concern highlighted in previous concluding comments, as well as action, or lack of action, taken in this regard by the State party. The Committee will ensure that concluding comments are specific to the concrete situation in the reporting State rather than being formulated in generic terms.

19. Further consideration and discussion will take place concerning criteria for prioritization of concerns in concluding comments on subsequent periodic reports.

Procedure for drafting and adopting concluding comments

20. The expert designated as country rapporteur will also draft the concluding comments. The Committee holds a closed meeting after the constructive dialogue to consider the main issues and trends to be reflected in the concluding comments relating to the report of the State party. Concluding comments drafted thereafter reflect only the views expressed at the meetings during which the report is presented and not the views of the individual country rapporteur. Experts indicate to the country rapporteur, immediately after the closed meeting on the main issues and trends to be reflected in the particular concluding comments, their interest in being consulted on the draft. After the country rapporteur has completed the draft, she/he consults these experts and incorporates their comments, to the extent possible, before the draft is submitted for translation. Once the draft is available in languages, all experts will continue to have the opportunity to provide their comments to the country rapporteur before the draft is taken up in closed plenary. At that stage, the country rapporteur will also flag any unresolved matters contained in the draft. There will be no additional substantive or language editing of the draft in closed plenary.

Standard elements to be included in concluding comments

21. The Committee reiterates the current standard elements to be included in the introduction and standard closing paragraphs of concluding comments (see decision 19/II, paras. 397 (g) and 374-375 adopted at its twenty-seventh session). Reference will also be made to ratification of the Optional Protocol to the Convention. A new first paragraph will be added to the section on principal areas of concern (see under "focused concluding comments").

22. The Committee will continue the practice of stating the due date for the next periodic report in its concluding comments as a way of reminding States parties about their reporting obligations under article 18 of the Convention. States parties will be invited to combine the next two reports in cases where the due date of the next report is already passed or is within the year.

Format and length of States parties' reports and of replies to lists of issues and questions

23. The Committee confirmed the established page limitation of 100 and 70 pages, respectively, for initial and periodic reports, as stated in the Committee's reporting

guidelines (A/57/38, part two, annex). The State party may attach annexes which will, however, not be translated.

24. A State party's reply to the list of issues and questions should be short, precise and to the point and should not exceed the page limit of 25 to 30 pages (Times New Roman type, 12 point font). When transmitting the lists of issues and questions, States parties will be informed accordingly. States parties will have the possibility of attaching a limited number of additional pages of statistical data only.

25. When faced with reports or responses in excess of page limits, the Chairperson, during the constructive dialogue, will raise this aspect with the State party's delegation in her opening and closing remarks. A reflection of this concern may also be included in the concluding comments, whereby some flexibility will be applied in regard to initial reports.

26. The Secretariat is requested to play a more proactive role in communicating to States parties the Committee's guidelines with regard to the page limitations applicable to reports and responses. The Secretariat is also requested to introduce further efforts to ensure that responses are obtained in a timely manner from the reporting States.

Reports requested on an exceptional basis

27. The Committee confirmed its decision 21/I that it may sometimes be necessary to request exceptional reports from States parties, under article 18.1 (b) of the Convention, in order to obtain and examine the information on an actual or potential violation of women's human rights, where there is special cause for concern about such violation. In this respect, the Committee adopted the following revised standards and guidelines:

- There should be reliable and adequate information indicating grave or systematic violations of women's human rights, in whatever situation;
- Such violations are those that are gender-based, directed at women or affecting women because of their sex;
- Reports should focus on a particular issue or issues identified by the Committee;
- States parties shall submit their reports for consideration at such session as the Committee determines.

The standardized terminology for reports of this nature will be reports requested on an exceptional basis. Modalities for considering reports requested on an exceptional basis will be determined on a case-by-case basis by the Committee, and building on the experience the Committee will gain in the consideration of Argentina's follow-up report at its thirty-first session.

Consideration of implementation of the Convention in the absence of a report

28. The Committee decided that, in principle, it will consider implementation of the Convention by a State party in the absence of a report, only as a measure of last resort and in the presence of a delegation. In doing so, the Committee noted the recommendation of the fifteenth meeting of the chairpersons of human rights treaty bodies concerning incremental and graduated measures to encourage submission of

overdue reports, including scheduling the examination of the implementation of the Convention in the State party in the absence of a report but with the participation of a delegation of the State party concerned (see A/58/350). Such a measure will be taken on a case-by-case basis, in particular, in instances where a State party has not submitted an initial report many years after ratification and the Committee's assessment of possible reasons for non-reporting. This step will be preceded by other efforts, including notification of the State party concerned of the Committee's intention to take up implementation of the Convention at a designated future session, inviting the State party to submit the requested report before the designated session. Designation of a future session will be made with the consideration to allow the State party sufficient time to prepare and submit its report.

Development of a follow-up mechanism for the implementation of concluding comments

29. The Committee decided that, due to its current workload, this issue will be revisited at a later stage.

Notes

[a] The Committee will be provided with a statement of the programme budget implications at its thirty-first session.

Annex II

CEDAW ratification and reporting status as of 30 May 2004

Year and session		*Number of States that ratified*	*Number of reports submitted*	*Number of States considered*	*Number of reports considered*
1980		10	Zero		Zero
1981		21	Zero		Zero
1982	1st session	11	7		Zero
1983	2nd session	8	12	7	7
1984	3rd session	11	5	6	6
1985	4th session	20	4	5	5
1986	5th session	7	16	8	8
1987	6th session	3	19	8	8
1988	7th session	1	12	13	13
1989	8th session	5	11	9	9
1990	9th session	4	13	12	12
1991	10th session	7	17	10	12
1992	11th session	10	13	9	9
1993	12th session	11	12	11	12
1994	13th session	8	12	15	17
1995	14th session	13	7	10	12
1996	15th session	3	17	9	9
1997	16th and 17th sessions	7	19	18	23
1998	18th and 19th sessions	2	23	16	18
1999	20th and 21st sessions	2	24	14	17
2000	22nd and 23rd sessions	1	24	15	21
2001	24th and 25th sessions	3	11	16	23
2002	26th, 27th and exceptional sessions	2	29	26	31
2003	28th and 29th sessions	5	24	16	23
2004	30th and 31st sessions	2	19[a]	16	8[b]

[a] As at 30 May 2004.
[b] 30th session only.